

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, June 12, 2019

5:30 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Jim Riding, and Council Members Alan Anderson, Dirk Burton, Zach Jacob, Chad R. Lamb, Chris M. McConnehey, and Kayleen Whitelock.

STAFF: David Brickey, City Manager; Korban Lee, Assistant City Manager; Robert Wall, City Attorney; Scott Langford, Community Development Director; Danyce Steck, Finance Director; Brock Hudson, Community Preservation Director; Brian Clegg, Public Works Director; Chris Trevino, Fire Captain; Ken Wallentine, Police Chief; Michael Oliver, I.T. Manager; Jeremy Robertson, Deputy Police Chief; Eric Okerlund, Budget Officer; Justin Stoker, Deputy Public Works Director; Patrick Alcorn, CIP/Facilities Project Manager; Robert Allred, I.T. Director; Tangee Sloan, Deputy City Clerk, and Jamie Brooks, Interim City Clerk.

I. CALL TO ORDER

Mayor Riding called the meeting to order at 5:37 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Aidan Carter, BSA Troop 754

III. PRESENTATION

**RECOGNITION AND BADGE PINNING FOR NEW POLICE OFFICERS
AS WELL AS RECENTLY PROMOTED POLICE OFFICERS**

The City Councilmembers stepped down from the dais as new police officers and recently promoted Lieutenant Chaundra Edmonds, Sergeant Adam Julian, and Sergeant Walt Bockholt were pinned with their new badges. The Oath of Office was administered to the following new police officers: Officer Tyler Schwemmer, Officer Chris Martinez, Officer Roy Muñoz, Officer Bo Reier, Officer Emily Wheeler, Officer Taylor Jackson, and Officer Miguel Rodriguez.

IV. CITIZEN COMMENTS

Victor Groves, West Jordan resident, expressed appreciation to the Mayor, City Council, and staff for their support of the Cultural Arts Society of West Jordan. He recognized and honored Delayne Jessup, West Jordan City Band Director, who would be stepping down after two more concerts. Regarding the cultural art center scheduled for discussion later in the evening, Mr. Groves stated the old Sugar Factory Playhouse location was ideal. He expressed the opinion that 200-400 seats would be perfect for the space, which would be used for

rehearsals, performances, concerts, workshops, classes, art shows, and literary readings both public and private.

Tyrone Fields, West Jordan resident, said he was concerned about reported crime statistics and happy to see that new police officers had been hired. Mr. Fields was concerned that construction on 7000 South was still listed as “in progress”. He asked how much the City spent in 2017 for construction on 7000 South between 2700 West and Redwood Road to be completed in 2017.

Delayne Jessop, West Jordan resident and retiring West Jordan City Band Director/Manager, strongly suggested the City Council and Mayor give high priority to the cultural art center project and begin construction before this year’s election so the project did not have to begin over again.

Tracy Wyant, West Jordan resident, distributed a handout regarding the Barney’s Wash Trail System. Mr. Wyant thanked Parks staff for their efforts. He stated that, although West Jordan had 350 acres of parks, and over 900 acres of parks, streetscapes and trails combined, the City’s financial investment in parks and streetscapes was the second lowest per acre after Orem City. Mr. Wyant said he was willing for his taxes to be raised to increase funds dedicated to parks and streetscapes. He suggested a second option would be to reduce the number of existing parks and invest that financial benefit in the remaining parks to provide some the City could be proud of. Mr. Wyant estimated the revenue that would be generated by monthly residential and commercial fees and asked the Council to consider the options he suggested.

Travis Green, West Jordan resident, worked with the Sugar Factory Playhouse as an actor, director and Marketing Director. Mr. Green said it was an embarrassment to the City that the previous site had been abandoned and that no progress had been made on the project. He stated the arts cannot expand in West Jordan without a permanent venue. Mr. Green asked for better communication from the City regarding the art center project, asked that the arts community be involved with design discussions, and asked that the project move forward this year.

Jackie Burke, Director of the West Jordan Senior Band, stated the Senior Band was under the auspices of the Senior Center. She requested that the Senior Band be accepted on the Arts Council. The Senior Band performed at least once a week as a service to the community, and would benefit from the funding, transportation, publicity, and recruiting that would be possible with representation on the Arts Council.

Caleb Hintze, West Jordan resident, said he was currently a student at BYU. He said he was heavily influenced growing up by participation in the Sugar Factory Playhouse. He asked the Council to move forward with the art center project.

Alisa Leon, West Jordan resident in the Maple Hills community, said she was not in favor of the transfer of green space to the Maple Hills HOA from the City for placement of a billboard. Ms. Leon said she did not believe the HOA had the resources to take on maintenance and liability of the green space. She said the Maple Hills community had not sanctioned the transfer of green space through a formal vote.

Louise Fletcher and Heidi Olsen, Maple Hills HOA Board members, stated there was a community discussion regarding transfer of green space to Maple Hills. Ms. Fletcher said her intent in approaching the City was to get information regarding cost and maintenance responsibility to present to members of the HOA for a vote.

Nathan Ulrich, West Jordan resident in the Maple Hills community, said he had spoken with a group of Maple Hills residents who did not want the HOA to take over the green space under discussion.

Seeing that no one else wished to speak, Mayor Riding closed the Citizen Comment period.

V. COMMUNICATIONS
CITY MANAGER AND STAFF COMMENTS/REPORTS

Brian Clegg –

- Reported that a change order would be presented to the Council on June 26, 2019 for the 7800 South/4000 West project to remove and fill soft spots to provide a stable road. He requested approval to move forward with a work directive prior to June 26th to avoid delays. Mr. Brickey confirmed he was comfortable with the 7800 South/4000 West project moving forward with the information provided by staff in order to stay on schedule.

CITY COUNCIL COMMENTS/REPORTS

Councilmember McConnehey –

- Expressed support for moving forward with the 7800 South/4000 West project without further delays.
- Thanked Mr. Jessop for his years of dedicated service as West Jordan City Band Director/Manager.

Councilmember Burton –

- Expressed support for moving forward with the 7800 South/4000 West project without further delays.
- Expressed appreciation to Mr. Jessop for his years of service with the West Jordan City Band.
- Attended several different meetings and events on behalf of the City in the last two weeks.

Councilmember Whitelock –

- Invited those present to participate in the Linda Butters Memorial Fun Run on July 6, 2019

Councilmember Jacob –

- Said he was pleased to see the number of citizens running for office this year.
- Expressed appreciation for the many years of service provided by retiring Police Service Dog “Duke”.

Councilmember Anderson –

- Thanked those who attended and participated in the Memorial Day breakfast and program.
- Commented that the Western Stampede will take place June 30-July 4.
- Thanked Mr. Jessop for his years of service with the West Jordan Band.

Councilmember Lamb –

- Recognized the West Jordan Exchange Club for the Field of Flags at the City Park on 2200 West.

Mayor Riding –

- Expressed support for moving forward with the 7800 South/4000 West project, and recognized majority support of the City Council for moving forward with the project.

VI. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 19-109, REGARDING A WAIVER OF FEES ASSOCIATED WITH THE USE OF VETERANS MEMORIAL PARK FOR THE CHILDREN'S JUSTICE CENTER DAY OF HOPE CAR SHOW ON AUGUST 10, 2019, IN AN AMOUNT NOT TO EXCEED \$3,485.00

Mr. Lee explained that the Friends of the Salt Lake County Children's Justice Center was a 501(c)3 Nonprofit Charity established in 1993 to benefit child victims of crime by supporting the mission and purpose of the Salt Lake County Children's Justice Center program.

According to CJC: "Our main purpose is to **educate** the community about the wonderful services at the Children's Justice Center so that child abuse victims can obtain access to caring help from expert staff."

Their second purpose was to **raise funds** to support the program costs, client needs, equipment, furnishings, and facilities. One of their top funding priorities was for the child or teenaged victim to tell a trained professional about what happened to support specialized training for new caseworkers, detectives and prosecutors to gain advanced skills in interviewing child victims for their witness statements about the crime. These important interviews were the first experience for them so that healing and justice could begin. When the child or teen felt safe and supported during the interview process, they could feel reassured that caring professionals were looking out for their best interest and helping them gain access to counseling or expert medical care if needed.

The Day of Hope Car Show was their biggest fundraiser of the year and allowed the CJC to help serve 1,600 child victims of crime and their families of Salt Lake County.

MISSION:

To provide a comfortable, child-friendly atmosphere where children receive coordinated services during the child abuse investigative process.

Child abuse was a traumatic and devastating experience for both children and their families. Victims were often confused and blamed themselves. The Children's Justice Center (CJC) was a home-like, child-friendly facility where children received coordinated services during the child abuse investigative process by decreasing secondary trauma that might be caused by the criminal justice and child protection systems.

3-4-1: WAIVER OF FEES AND FINES, GENERALLY:

For the purposes of this chapter, "waiving" an amount also meant writing off, forgiving and/or compromising such an amount. Any fees or other monies legally required by this code to be paid to the City may not be waived, unless:

- A. City Attorney Determination: Determined by the City Attorney to be legally uncollectible.
- B. City Manager Authority: Any fee, fine, interest, penalty or other money legally required by this code to be paid by a citizen, applicant or respondent to the City in connection with a City provided service or a license/permit may be waived by the city manager:
 1. Value for Value Settlements: If the waiver of fees or claims confers a substantially equivalent benefit on the City consistent with law, provided that any such waiver/forgiveness of an amount exceeding fifteen thousand dollars (\$15,000.00) must be approved by the city council; or
 2. Rectifying Errors: In an amount not to exceed five hundred dollars (\$500.00) in any one instance, to rectify an alleged error by city personnel or to rectify any other perceived inequity.
 3. Doubtful/Uncollectible Amounts: Once the City had made reasonable efforts to collect an unpaid fee, fine, interest, penalty or other money legally owed to the City, or had otherwise determined in good faith that the amount was practically uncollectible; provided that any amount totaling more than one thousand dollars (\$1,000.00) per account may not be waived without City Council approval.

The City Manager might delegate some or all of this authority to department heads and other managers in city government by administrative directive.

- C. Support of Charitable Entities: After following the procedures required by Utah code section 10-8-2(2) or any successor provision, the City Council may waive fees otherwise due to the City and may otherwise provide financial and nonfinancial support to a charitable entity providing services to the citizens of the city.
- D. Settling Litigation And Prelitigation Claims By Or Against The City: A claim made by or against the City may be compromised, in whole or in part, without City Council approval, up to an amount payable by, or to be paid to, the City of fifteen thousand dollars (\$15,000.00), if the City Attorney determined that such a compromise is in the best interests of the City. Notwithstanding the foregoing, prior to settling any claim by or against the City, the Mayor shall be notified of any claim over five thousand dollars (\$5,000.00), and if deemed necessary the mayor shall call a special/emergency council meeting. (2001 Code §1-1-120; Ord. 09-19, 7-14-2009)

Pursuant to City Code Section 3-4-1, the City Council may waive fees otherwise due to the City and may otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complied with section 10-8-2 of the Utah Code. Section 10-8-2 limited the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limited the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and required a public hearing prior to approval.

Mayor Riding opened the public hearing.

Suzanne Mitchell, Director of the Children's Justice Center (CJC), said the CJC was fortunate to have a great relationship with the West Jordan Police Department. The CJC heavily relied on donations from the community, and the Day of Hope Car Show was the biggest fund raiser of the year.

Megan Jakes with the Friends of the Salt Lake County Children's Justice Center Nonprofit thanked the City Council for considering waiving fees for the Car Show, which raised funds to help children, and raised awareness in the community. She said the K9 demonstration by the West Jordan Police Department was a crowd favorite.

Alisa Leon, West Jordan resident, spoke on behalf of the CJC and the wonderful job they did for the citizens of the community. She said she had worked with CJC as a prosecutor of crimes against children. Ms. Leon urged the Council to support the request.

As there was no one else who wished to speak, Mayor Riding closed the public hearing.

Councilmember Jacob asked staff about the precedent that might be set if the Council agreed to advertise the event on the City's website, social media, and City buildings. Mr. Lee expressed concern and stated staff would take a closer look at the items of zero-dollar value requested.

Megan Jakes clarified that West Jordan City was considered an in-kind sponsor, with the West Jordan City logo included on t-shirts and posters. Councilmember Jacob said he believed the CJC was a worthy cause and he supported waiving the fees requested. Councilmember McConnehey expressed appreciation for the CJC, supported the proposed waiver, and suggested that in future years, he would like to see the City increase the level of financial support since the CJC was located in West Jordan.

Councilmember Whitelock said she would very much like staff to look closer at the precedent that might be set if advertising the event was allowed on the City website and buildings. She expressed appreciation for the CJC and commented that the CJC served a much larger area than West Jordan City. Councilmember Whitelock said she would like the Council to review whether the fees charged were sufficient to cover event impact and said she could not vote in favor until a review was conducted.

Councilmember Anderson commented that requests for fee waivers were received from time to time, and it would be nice to have a standardized process of evaluation in place so all applicants were treated equally and fairly.

Councilmember Lamb said he did not think the City was losing money with the waiver requests that came before the Council. He said he had no problem with the \$3,400 in-kind donation to the CJC represented by the fee waiver.

MOTION: Councilmember Lamb moved to approve Resolution 19-109, waiving fees associated with the use of Veterans Memorial Park for the Children’s Justice Center Day of Hope Car Show on August 10, 2019. Councilmember McConnehey seconded the motion.

Councilmember McConnehey said the Resolution did not specifically state anything about the requested advertising. He pointed out that the City had a policy regarding use of social media and the City website. Robert Wall stated staff would ensure nothing was done that was contrary to City policy in terms of advertising.

A roll call vote was taken

Councilmember McConnehey	Yes
Councilmember Burton	Yes
Councilmember Whitelock	No
Mayor Riding	Yes
Councilmember Jacob	Yes
Councilmember Anderson	Yes
Councilmember Lamb	Yes

The motion passed 6-1.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
RESOLUTION 19-108, ADOPTING THE TENTATIVE BUDGETS FOR
GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS
FUNDS, ENTERPRISE FUNDS, AND INTERNAL SERVE FUNDS FOR
FISCAL YEAR 2019-2020**

Danyce Steck explained that the City Council formally accepted the Tentative Budget in a regularly scheduled public meeting on May 8, 2019. On May 23, 2019, the Council had held a work session to review and consider the budget.

Per Utah State Code §10-6-111 3(a), “...a governing body in any regular public hearing or special public hearing shall review, consider, and tentatively adopt each tentative budget; and may, before the public hearing amend or revise each tentative budget.”

Per Utah State Code §10-6-112, “Each tentative budget adopted by the governing body and all supporting schedules and data shall be a public record in the office of the city

auditor or the city recorder, available for public inspection for a period of at least 10 days prior to the adoption of a final budget, as hereinafter provided.”

Per Utah State Code §10-6-114, at the time and place advertised, or at any time and place to which the public hearing may be adjourned, the governing body shall hold a public hearing on the budgets tentatively adopted. All interested persons in attendance shall be given an opportunity to be heard, for or against, the estimates of revenue and expenditures or any item thereof in the tentative budget of any fund.

Ms. Steck explained the changes that had been made to the Tentative Budget since it was last reviewed by the Council.

- Three full-time police officers were added to the Budget for schools
- Prior year staffing was added to all staffing sections
- Staffing Changes Summary was added to Appendix
- Moved Fleet O&M to Operations from Capital
- Transferred Senior Engineer from Capital Projects Support to Engineering (no change)
- Added Internet Crimes Against Children Grant to Police Budget (\$20,000.00 of overtime would be related to the grant)

Councilmember McConnehey requested that in the future, the PowerPoint presentation be made available to the public before the meeting.

Councilmember Whitelock said she liked the budget, but she was not in favor of increasing the Mayor’s salary.

Councilmember Anderson asked if County money was still available for the Arts Center. Mr. Brickey responded that County funds were based on the presentation made for the previous location. The County had indicated that, with a new location, a new presentation would be needed. Councilmember Burton said he would like to send out an RFP for the Arts Center the next day for \$5,000,000.

Responding to a question from Councilmember Whitelock, Mr. Lee confirmed that if no further discussion took place on the issue, the Mayor’s compensation would probably default to the amount included in the budget.

Mayor Riding opened the public hearing.

Steve Jones, West Jordan resident, expressed appreciation for the budget presentation. He said he would like to see more details regarding the amount spent on Risk Management over time included in the budget.

Becca Henry, Vice Chair of the West Jordan Youth Theatre, said she heard conflicting information regarding how much was available for the new Arts Center. Mayor Riding responded that \$3,000,000 was included in the FY2019-2020 budget and \$3,000,000 would be included in the FY2020-2021 budget. Ms. Henry said she wished to confirm

that funds were specifically available for the Youth Theatre. With recent changes, the Youth Theatre lost a significant discount through the Jordan School District, and their budget amount is critical.

There was no one else who wished to speak, and Mayor Riding closed the public hearing.

MOTION: Councilmember Whitelock moved to approve Resolution 19-108, adopting the Fiscal Year 2019-2020 Tentative Budgets for the City of West Jordan, with a reduction in the Mayor's salary to the current level of \$89,500.

The motion died for lack of a second.

MOTION: Councilmember McConnehey moved to approve Resolution 19-108, adopting the Fiscal Year 2019-2020 Tentative Budgets for the City of West Jordan, Utah, with changes in staffing as recommended, adding the grant for the Internet Crimes Against Children to the police revenue budget, and setting June 26, 2019 as the date for the public hearing regarding the final adoption of the budget and supporting property tax rates. Councilmember Jacob seconded the motion.

Councilmember Burton said he was not opposed to the budget, but he would like more time. Councilmember Lamb commented that the Council could continue discussions regarding the Mayor's salary and amend the budget later if necessary.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	No
Mayor Riding	Yes

The motion passed 6-1.

The Council recessed at 7:18 p.m. and reconvened at 7:26 p.m. without Councilmember Burton, who returned at 7:28 p.m.

VII. CONSENT ITEMS

a. Approve the minutes of May 8, 2019

b. Adopt Resolution 19-110, authorizing the Mayor to execute a contract for professional services with G. Brown Design Inc. to provide design and construction management services for the Ron Wood Park project in an amount not to exceed \$191,905.00

- c. **Approve Resolution 19-111, authorizing a Purchase Order with Core and Main in an amount not to exceed \$33,641.76 for Commercial Water Meter Parts**
- d. **Approve Resolution 19-112, authorizing a Purchase Order with Core and Main for Water Pipe Construction/Repair Materials for stock in an amount not to exceed \$107,918.20**
- e. **Approve Resolution 19-113, authorizing the Mayor to enter into service agreements with Veracity Networks and CenturyLink**
- f. **Approve Resolution 19-114, declaring Police Service Dog “Duke” surplus and authorizing a transfer of ownership of Duke to his police handler for \$1.00**
- g. **Approve Resolution 19-115, authorizing the Mayor to enter into a contract with Affordable Tree Care for tree pruning in an amount not to exceed \$30,000**
- h. **Approve Resolution 19-116, authorizing Change Order #1 for Big T Recreation for the Wild West Jordan Playground in an amount not to exceed \$105,827.00**
- i. **Approve Resolution 19-117, authorizing the Mayor to sign a Reimbursement Agreement, with Peterson Development Company, L.L.C., regarding a portion of Highlands Loop Road adjacent to Highlands Landing Commercial Subdivision Phase 1, Lot 1**
- j. **Approve Resolution 19-119, authorizing the Mayor to sign a Cooperative Agreement, with Peterson Development Company, LLC, regarding a portion of Highlands Loop Road adjacent to Highlands Landing Commercial Subdivision Phase 1, Lot 1**
- k. **Approve Resolution 19-120, authorizing the Mayor to sign Amendment No. 3 to the existing Professional Services contract between the City of West Jordan and RiverRestoration.org for additional design services at the “Big Bend” Habitat Site**

Mayor Riding stated that Consent Item 7b would be tabled to a future agenda. Consent Items 7e, 7g, and 7h were pulled for further discussion.

MOTION: Councilmember McConnehey moved to approve all Consent Items except 7b, 7e, 7g, and 7h. Councilmember Jacob seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Absent
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 6-0.

VIII. CONSENT ITEMS DISCUSSION

CONSENT ITEM 7g

APPROVE RESOLUTION 19-115, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH AFFORDABLE TREE CARE FOR TREE PRUNING IN AN AMOUNT NOT TO EXCEED \$30,000

Brian Clegg explained that the City solicited bids for tree pruning services associated with the in-house paving work to be completed this summer (2019). The bids included all the equipment required to do tree pruning as well as the operator.

For the purpose of the bids, the City estimated that a contract would be awarded in an amount not to exceed \$30,000.00 (at \$185.00 per hour). The City of West Jordan made no guarantee that the total amount of this work would equal that amount.

The bid was advertised according to the City procurement policy with the bid opening scheduled for May 7, 2019. The City only received one bid, with Affordable Tree Care being the lowest responsible bidder.

Staff explained that residents were asked to prune trees to Code height in preparation for paving work to occur. In locations where the pruning was not done, the City contractor accomplished the work before paving begins. Responding to a question from Councilmember Anderson, staff explained the City did not have time in this situation to follow the usual Code enforcement process.

MOTION: Councilmember Anderson moved to approve Resolution 19-115, authorizing the Mayor to enter into a contract with Affordable Tree Care for tree pruning in an amount not to exceed \$30,000. Councilmember McConnehey seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes

Councilmember Whitelock **Yes**
Mayor Riding **Yes**

The motion passed 7-0.

CONSENT ITEM 7e

APPROVE RESOLUTION 19-113, AUTHORIZING THE MAYOR TO ENTER INTO SERVICE AGREEMENTS WITH VERACITY NETWORKS AND CENTURYLINK

This was a service agreement between the City of West Jordan and Veracity Networks and CenturyLink to add additional lines of communication services to the City's network foundation. These agreements would add the following communication services:

Ten SDWAN network points:

- 2 SDWAN at City Hall for high availability access points – 1 Gbps Comcast
- 2 SDWAN at Public Works for high availability access points – 1 Gbps Comcast
- 1 SDWAN at Fire Station 53 – 150 Mbps Comcast
- 1 SDWAN at Fire Station 54 – 150 Mbps Comcast
- 1 SDWAN at Fire Station 55 – 150 Mbps Comcast
- 1 SDWAN at Police Station Jordan Landing – 150 Mbps Comcast
- 1 SDWAN at Animal Control building
- 1 SDWAN at Parks and Cemeteries building – 150 Mbps

Nine Fiber Plus network points

- 1 at City Hall – 1 Gbps CenturyLink
- 1 at Public Works – 1 Gbps CenturyLink
- 1 at Fire Station 53 – 100 Mbps CenturyLink
- 1 at Fire Station 54 – 100 Mbps CenturyLink
- 1 at Fire Station 55 – 100 Mbps CenturyLink
- 1 at Parks and Cemeteries building – 100 Mbps CenturyLink
- 1 at Police Cop Shop (Smiths) – 50 Mbps CenturyLink
- 1 at Animal Control - 100 Mbps CenturyLink

With these additional lines, it would significantly harden the network against outages and significantly increase redundant communication paths for City Hall, Public Works, Police Fire and Parks.

Councilmember Burton said he was hesitant to spend additional funds for redundant communications to facilities that do not need City communication in the first place. He said he would be willing to approve Consent Item 7e if facilities not owned by the City were removed from the list.

Councilmember McConnehey stepped out at 7:31 p.m. and returned at 7:34 p.m.

Robert Allred explained that the service agreements provided redundancy for the entire City, particularly for the Police Department. The Police Department worked in those

buildings even though the City did not own them. Resolution 19-113 added a second provider so that, if one provider went down, service would switch to the other provider and the City would remain in service. The increased cost was \$50.00 per month (\$600.00 per year). Mr. Allred stated that one hour of down time would cost the City significantly more than \$600.00.

MOTION: Councilmember Lamb moved to approve Resolution 19-113, authorizing the Mayor to enter into service agreements with Veracity Networks and CenturyLink for communication services in an amount not to exceed \$9,800 monthly. Councilmember Whitelock seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	No
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 6-1.

CONSENT ITEM 7h

APPROVE RESOLUTION 19-116, AUTHORIZING CHANGE ORDER #1 FOR BIG T RECREATION FOR THE WILD WEST JORDAN PLAYGROUND IN AN AMOUNT NOT TO EXCEED \$105,827.00

Brian Clegg explained that on February 13, 2019 the City Council approved the contract with Big T Recreation for \$800,000 to build the new Wild West Playground in Veterans Memorial Park. In mid-March, the Council approved a design for the playground. To meet the scope of the project, as approved by Council, it was determined that the other components of the playground (surfacing, fencing, seating, and garbage cans, etc.) would be procured through additional invitations to bid.

This change order was to increase the number of days for completion and the price of the contract. Big T's contract scope of work had expanded to require Big T to provide 8-foot-wide concrete sidewalk surrounding the playground. It was critical that Big T perform this work to guarantee a proper vertical design and construction of the playground. In addition, Big T's scope of work also would expand by requiring Big T to construct a Wild West Playground entrance sign.

The addition of concrete sidewalk to Big T's contract added \$47,790 to the contract price. The addition of the entrance sign to Big T's contract would be completely covered by funds received by the City from Mountain America Credit Union for that specific purpose. The change order also added 92 additional days to complete the scope of work.

The total amount for the Big T Recreation change order was \$105,827.00. However, most of the change order costs were offset with funds committed through a grant from Mountain America Credit Union.

Councilmember Burton said he was concerned about hiring a concrete contractor when the City had a concrete crew. He said he would be in favor of the Resolution if the concrete work was removed.

Mr. Clegg responded that the City concrete crew would do as directed, but that they were currently a year out on work orders. The Wild West Playground was a good-sized job, and the concrete crew would get even more behind if the project were added to their work load.

Mr. Lee commented that the concrete work would need to match the foundation poured by Big T. He said water drainage issues could develop, and it would be best for the work to be done by someone who had worked with Big T and had prior park project experience.

MOTION: Councilmember Anderson moved to approve Resolution 19-116, authorizing Change Order #1 for Big T Recreation for the Wild West Jordan Playground in an amount not to exceed \$105,827.00. Councilmember Lamb seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 7-0.

IX. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-59, REGARDING AN APPEAL ON ADJUSTMENT BY REDUCING THE IMPACT FEES ASSESSMENT TO THE UTAH ISLAMIC CENTER LOCATED AT 1075 WEST 9000 SOUTH

Scott Langford explained that the City received an appeal from the Utah Islamic Center for a waiver or reduction of traffic and stormwater impact fees. After conducting background research, it was found that the storm water impact fee was paid previously (2009) when the property was subdivided and therefore was no longer a subject of this appeal.

The City impact fee schedule did not currently have a specific line item for churches, fraternities, social organizations, and other “low impact institutions” which only had significant parking and building use during one or two days during the seven-day week. In the past, these types of institutions, including churches, had been assessed impact fees at the same rate as Office/Institutional. This was by direction of a previous City Manager.

The applicant in this case asked for a waiver or reduction of the traffic impact fees because, as a place of worship, the traffic generated was much less than a typical office building. Mr. Naylor stated that the mosque would only generate about 10-12 visits per day other than Friday afternoons when up to 200 congregants would arrive for prayers. Staff believed that assessing the mosque at the same rates as commercial office might not be a fair grouping and had therefore requested our impact fees consultant, Tischler Bise, Inc., to review this request and conduct the calculations that would be more proportional for this type of “low impact” or “minimal traffic” institution. Using this new calculation, City staff proposed to amend the fee schedule to include a specific impact fee rate for all future “low impact” or “minimal traffic” institutions. The fee schedule would be updated soon to include the new rate, but in the meantime, City staff requested Council action to approve the attached impact fee for the Utah Islamic Center according to the proposed new rate as calculated by Tischler Bise, Inc.

Based on the custom assessment, staff recommended the applicant be assessed a total impact fee of \$52,781. The actual amount to be collected was \$36,505.82 since the storm impact fee was paid previously by the subdivider of the property.

If the Council approved the reduction of approximately \$14,447.00 total in transportation, fire, and police impact fees, then the applicant should be refunded the amount of the reduction (approximately \$14,447.00). No request was made for a reduction in any other impact fee or other fee.

Staff expressed concern about setting a new precedent, although the issue before the Council was only about the Utah Islamic Center. If the Council wished to establish a new fee category for lower-impact use, a public hearing would be required. Tischler Bise estimated that a lower-impact use category would reduce annual revenue by \$12,000.

Councilmember McConnehey said he was not in favor of approving the proposed Resolution as it would only benefit one particular property owner. He said he would like to first see a change made to the impact fee structure to include lower-impact use.

Councilmember Jacob agreed with Councilmember McConnehey that the fee structure needed to first be in place before it was applied. He said he would like to see evidence that a fee category for lower-impact use was warranted.

Councilmember McConnehey said he would want to evaluate the square footage, not the religious use.

Robert Wall said there was risk in retroactively applying a fee or lowering an assessment. The applicant already paid the fee prior to the study.

Councilmember McConnehey commented that fees had to be paid before they could be appealed to the Council, causing a catch-22 situation.

MOTION: Councilmember McConnehey moved to table this item until it was returned by staff to bring back a new rate structure as soon as possible. The motion was seconded by Councilmember Anderson.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	No

The motion passed 6-1.

X. WORKSHOP

DISCUSSION REGARDING THE MAPLE HILLS HOME OWNER'S ASSOCIATION LAND TRANSFER

Korban Lee explained that the City had been contacted recently by a resident of the Maple Hills neighborhood (near 7800 South 6400 West). This resident claimed that she was also a member of the Maple Hills Home Owner's Association board. She had indicated a strong desire for the HOA to install a bulletin board near the current community mailbox location to promote HOA events and to build the community. The property had been deeded to the City by the developer for future access to Maple Hills Park.

After lengthy review by the City attorney's office, it had been determined that the proposed private sign (HOA bulletin board) could not be placed on public property. The only other option that staff was able to present to allow the installation of the bulletin board was to declare the property as surplus and to deed it over to the HOA. Such an act would require City Council action.

Such action would only be recommended under the following conditions/restrictions:

- 1) Record a perpetual public access easement over the entire property (shown on yellow below). This would ensure access to the future Maple Hills public park.
- 2) Record a perpetual open space easement over the property so it remained open space.
- 3) Require the HOA to maintain the property pursuant to specific "high standards" such as irrigated turf, trees, flower/shrub beds. The terms of this maintenance would have to be worked out by our Parks division.

- 4) Require a reversionary clause that if certain terms not adhered to (such as maintenance and access) the property would be returned to the City. (The details of those terms would have to be worked out as well.)

Pros v. Cons

Cons – The City would lose partial control and use of the property

Pros – The City would not have to maintain the property

Maintenance would likely be done at a higher level

HOA could install “community enhancement” (their words)

Councilmember McConnehey asked if the requester was authorized to speak on behalf of the HOA. Councilmember Jacob responded that communication had been between himself, staff, and a single HOA Board member. Councilmember McConnehey said he was not in favor of moving forward with this issue unless the HOA had officially authorized the request. He was not in favor of the requested land transfer and was concerned about the type of precedent that would be set. Councilmember Whitelock asked if the HOA had other property they could use for a bulletin board.

Mr. Lee said staff could put together a cost estimate for the HOA fairly quickly. Staff would not be interested in creating a sliver parcel in the middle of the subdivision.

Councilmember Whitelock said she was not in favor of turning over the entire parcel.

Councilmember Anderson said he thought it would be appropriate for the HOA to hold a vote and bring a proposal to the Council or negotiate with one of the property owners to place a bulletin board on private property within the neighborhood.

The Council and staff discussed City sign policy. Robert Wall clarified that an off-premise sign advertised something that happened somewhere else. The City could not discriminate against the content of the message. If the City allowed one message, it must allow any message. On-premise referred to what happened on that property.

Mayor Riding suggested staff talk to Maple Hills HOA members and return with a resolution for the Council to vote on. Councilmember McConnehey suggested staff not put together a resolution unless the HOA brought forth a proposal.

DISCUSSION REGARDING THE PLAN FOR MOVING FORWARD WITH ORDINANCE CHANGES AS THEY RELATE TO THE CHANGE IN THE FORM OF GOVERNMENT

Robert Wall requested Councilmembers send staff any feedback on the draft of Title 1 by Monday before the next Council meeting, so staff could prepare a cleaned-up draft with all feedback and comments included. Councilmember McConnehey requested that the Council have more time to review the substantial document. Mr. Wall responded that the Council could take a couple of weeks. The hope had been to get the information out to the candidates, but the Council could do as they wished.

David Brickey commented that this was the only topic scheduled for workshop discussion on June 27, 2019. Robert Wall stated this process was most effective if the councilmembers took the time to read through the draft and share comments with each other. The Council might only need one meeting for discussion if staff was able to compile all the comments together with the document for review.

DISCUSSION REGARDING THE LOCATION, SIZE AND USE OF THE PROPOSED ARTS FACILITY

Mr. Brickey said it was his understanding that staff was directed to prepare an RFP for the proposed arts facility with seating capacity for 200. However, he learned that at least two Councilmembers did not agree with that number. The City had \$5,000,000 with \$1,000,000 contingency in the budget for the arts facility, with the potential for another \$2,000,000 from the County if the County approved the new location/design. Mr. Brickey requested approval to send an RFP the next morning with a set number of auditorium seats for \$5,000,000.

Councilmember Burton suggested an RFP with a dollar cap but no specific number of seats and allow the bids to propose the details.

Mr. Brickey responded that he would like to move the project forward with a specific number of seats defined. He indicated the approach recommended by Councilmember Burton would add months to the process.

Councilmember McConnehey commented that beginning with just a dollar cap in 2016 and making design changes suggested by different groups throughout the process was what resulted in the 2016 design significantly exceeding the budget available. He agreed with providing parameters, particularly the number of seats and whether the auditorium should be flat or sloped. He suggested 200 seats.

Councilmember Whitelock said she believed for \$6,000,000 the Council should make sure they get it right, and she did not think 200 seats was enough for the groups involved to grow their programs. She said she would like the arts facility to have at least 300 seats.

Councilmember McConnehey said he thought 300 seats would drive the price up and attract bigger groups than intended. Councilmember Whitelock suggested 250 seats.

Councilmember Jacob suggested donating the \$5,000,000 to the Arts Council to build the building they want, with strings attached. Mayor Riding stated the arts facility should be a City building. Councilmember Burton suggested hiring the Arts Council to build it, so the building still belonged to the City.

Councilmember Anderson said he worked as liaison with the Arts Council when he was first on the City Council. He said he did not support handing tax dollars to a nonprofit to build the facility because of the precedent that would be set. The facility would be a home for the Arts Council, but not for their exclusive use. He pointed out that the facility

would have ongoing operations and maintenance costs and suggested a 200-seat auditorium might not be large enough to bring in revenue to help with those costs.

Councilmember McConnehey said he could agree with 250 seats. Councilmember Anderson said he would prefer fixed seats and a sloped floor. Mayor Riding agreed with 250 fixed seats with sloped floor. Councilmember McConnehey suggested a tiered floor rather than sloped. He pointed out that the facility was intended to support a variety of community groups.

Mr. Brickey explained that the \$5,000,000 was intended for construction costs and the \$1,000,000 contingency was to cover design costs. The grant from the County would cover furniture, fixtures, and equipment.

XI. REMARKS

Councilmember Whitelock asked which Councilmembers would be interested in walking together in the upcoming parade. She also said she would prefer to use a truck rather than golf carts.

Councilmembers McConnehey and Jacob said they would walk with the Council.

Responding to a question from Councilmember McConnehey, Councilmember Whitelock said she did not support inviting the Planning Commission to join the Council in the parade as had been done in recent years. Councilmember Anderson commented that the Planning Commission had an impact on the community and said he supported inviting the Planning Commission to join the Council in the parade. Councilmember Lamb said he would be walking in the parade with the Council. There was no decision from a majority.

Councilmember Burton wished to remove the two minutes per person limit on closing remarks.

XII. CLOSED SESSION

DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION; STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARE

COUNCIL: Mayor Jim Riding, and Council Members Alan Anderson, Dirk Burton, Zach Jacob, Chad R. Lamb, Chris M. McConnehey, and Kayleen Whitelock.

STAFF: David R. Brickey, City Manager; Korban Lee, Assistant City Manager, and Rob Wall, City Attorney.

MOTION: Councilmember Jacob moved to go into a Closed Session to discuss the character, professional competence, or physical or mental health of an individual; a strategy session to discuss pending or reasonably imminent litigation and a strategy session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, and adjourn from there. Councilmember Whitelock seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 7-0.

The Council convened into a Closed Session at 9:03 p.m.

DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

- #1 9:14 p.m. to 9:16 p.m.
- #2 9:16 p.m. to 9:18 p.m.

STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

- BEMS/GOLD CROSS: 9:18 p.m. to 9:26 p.m.
- 7000 South: 9:26 p.m. to 9:29 p.m.
- P. Levery: 9:29 p.m. to 9:31 p.m.
- Flooding denial: 9:36 p.m. to 9:40 p.m.

STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A PROPERTY RIGHT OR WATER SHARES

- #1 9:32 p.m. to 9:35 p.m.

XIII. ADJOURN

The meeting adjourned at 9:40 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the

meeting.

JIM RIDING
Mayor

ATTEST:

JAMIE BROOKS, CMC
Interim City Clerk

Approved this 17th day of July 2019